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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,517	01/23/2002	Richard T. Reel	9692-000001	9361

22896 7590 08/04/2003

MILA KASAN, PATENT DEPT.  
APPLIED BIOSYSTEMS  
850 LINCOLN CENTRE DRIVE  
FOSTER CITY, CA 94404

EXAMINER

REIS, TRAVIS M

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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10/055,517

01/23/2002

REEL, RICHARD T.

9692-000001

**EXAMINER**

Travis M Reis

ART UNIT

PAPER

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Commissioner for Patents

Travis M Reis  
Examiner  
Art Unit 2859

tmr  
July 30, 2003

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on 6/24/03 is informal/non-responsive because new claims 29-52, which are also the only remaining claims, are directed to an invention that is independent or distinct from the invention originally claimed since original claims 1-28 were directed to a method & apparatus of detecting the fluorescence of a fluorescent sample by collection of the fluorescence of the sample, while new claims 29-52 are directed to a method & apparatus of detecting the fluorescence of a fluorescent sample by collection of the fluorescence of the sample in conjunction with the fluorescence of a channel portion, i.e., fluorescent trail.

Since applicant received an action on the merits for the originally presented invention, this invention could have been constructively elected by original presentation for prosecution on the merits. However, new claims 29-52 are no longer directed to the originally claimed invention. Therefore, it is not possible to constructively elect by original presentation the originally claimed invention, and accordingly, the amendment filed 6/24/03, has been considered to be informal/nonresponsive.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Art Unit: 2859

**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M Reis whose telephone number is (703) 305-4771. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8160 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Travis M Reis  
Examiner  
Art Unit 2859

tmr  
July 30, 2003



Diego Gutierrez  
Supervisory Patent Examiner  
Technology Center 2800